

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

DONALD DEAN BIEDERMAN,

Plaintiff,

vs.

CORECIVIC, MDOC, and DOJ
EMPLOYEES OF CROSSROAD
CORRECTIONAL CENTER,

Defendants.

CV 18–000126–GF–BMM–JTJ

ORDER

Plaintiff Donald Dean Biederman (“Biederman”), a pro se prisoner proceeding without counsel, filed a Motion for a 90-day Restraining Order (Doc. 10) seeking injunctive relief with respect to the conditions of his confinement at Crossroads Correctional Center.

United States Magistrate Judge John Johnston entered his Order and Findings and Recommendations in this matter on May 21, 2019. (Doc. 11.) Judge Johnston recommended that Biederman’s Motion for a 90-day Restraining Order be denied. (Doc. 11 at 8.) Judge Johnston determined that Biederman had been moved from Crossroads Correctional Center to Montana State Prison. *Id.* An inmate’s transfer to another prison renders moot their request for injunctive relief

unless there exists some evidence of an expectation of being transferred back. *Id.* (citations omitted). Biederman lacks standing to obtain injunctive relief regarding the conditions of confinement at Crossroads Correctional Center.

Biederman timely filed an objection on June 6, 2019. (Doc. 13.) Biederman is entitled to de novo review of those findings and recommendations to which he specifically has objected. 28 U.S.C. § 636(b)(1)(C). Absent specific objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Biederman’s objection asks the Court to address his Response (Doc. 8) filed November 9, 2018, to Judge Johnston’s October 22, 2018, Order. (Doc. 6.) Judge Johnson’s order directed Biederman to show cause for his Motion to Proceed in Forma Pauperis. (Doc. 1.) Judge Johnston granted Biederman’s Motion to Proceed in Forma Pauperis on May 21, 2019. (Doc. 11 at 13.) The Court already has addressed Biederman’s motion and it has been granted. The Court reviews Judge Johnson’s Findings and Recommendations for clear error. The Court finds no clear error in Judge Johnston’s Findings and Recommendations.

IT IS ORDERED that Judge Johnston's Order and Findings and Recommendations (Doc. 11) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Biederman's Motion for a 90-day Restraining Order (Doc. 10) is **DENIED**.

DATED this 20th day of June, 2019.



Brian Morris
United States District Court Judge